IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8765 of 2005

Between:

Smt.T.Vijayakumari, W/o.T.Rajagopal Reddy,
R/o.Melavoy Village, Madakasira Mandal,
Ananthapur District.

..... PETITIONER

AND

1 The Revenue Divisional officer, Penukonda, Ananthapur District.
2 The Mandal Revenue officer, Madakasira, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in Rc.No.2096/2004-E dated 5-4-2005 as illegal arbitrary.

Counsel for the Petitioner:MR.O.MANOHER REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8765 OF 2005

ORDER:

The petitioner is a fair price shop dealer of Melavoy Village, Madakarira Mandal, Anantapur District. First respondent by the impugned order dt.5.4.2005 suspended the authorization given to the petitioner after issuing show cause notice and obtaining explanation. On the three charges framed, first respondent recorded finding that petitioner did not distribute 161.55 quintals of food for work rice, she did not maintain the sales and stocks registers and that she failed to issue 20.50 quintals of ISL rice to nine beneficiaries. First respondent also recorded a finding that the petitioner contravened clauses 16 and 17 of A.P. State Public Distribution System (Control) Order 2001 (hereafter called, the Control Order). The order is assailed on various grounds which are strenuously pursued by the learned counsel for the petitioner. Nonetheless, having regard to the availability of alternative remedy under clause 20 of the Control Order, which provides for appeal to the Joint Collector, this Court is not inclined to go into the merits. Liberty is given to the petitioner to file appeal within two weeks from today. As and when such appeal is filed, it shall be open to the Joint Collector, Anantapur District, to dispose of the same immediately thereafter.

Learned counsel for the petitioner pleads to pass order to continue the petitioner as fair price shop dealer. Such order cannot be passed especially when the petitioner has been relegated to a different authority for redressal. Further, two Division Benches of this Court in **R.Sankar Naik v. R.Chowla Naik,** and **K. Yerri Swamy v. c. Krishna Chowdary** have held that when authorization of a fair price shop dealer is suspended, he cannot be permitted to act as fair price shop dealer unless and until he succeeds before appellate authority and/or revisional authority.

The Writ Petition, with the above observations, is disposed of.

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21.6.2005 (V.V.S.RAO, J)

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Note: CC in one week.

(B.O)

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To

1 The Revenue Divisional officer, Penukonda, Ananthapur District.
2 The Mandal Revenue officer, Madakasira, Ananthapur District.

3 2 CCs to G.P. for Civil Supplies, High Court Bldgs., Hyderabad (OUT)

4 2 CD copies.